

REMARKS

35 U.S.C. § 103 Rejections

The Examiner has rejected claims 1, 2, 4, 6, and 7 under 35 U.S.C. § 103(a) as being unpatentable over Kim.

Claim 1 includes a third motion detection algorithm that compares the current image to a stable frame. Specifically, claim 1 includes the limitation "a third motion detection algorithm capturing a recent motion frame when a pixel comparison between the current image frame and the stable frame exceeds a predetermined threshold."

Kim does not disclose a third motion detection algorithm that compares the current image to a stable frame. Kim discloses a surveillance system including a camera 200 installed in a surveillance area, and a surveillance unit 212 having an image capture unit 214, a control unit 216, and a permanent storing unit 218 (Col. 2, lines 42-47). An image of the area within the observable scope is captured (Step 300). Luminance values are calculated using a formula (Step 302). Differences between the calculated luminance values and those of the corresponding selected pixels of the previous image are calculated (Step 304), and when the number of counted pixels is less than or equal to a predetermined number, the current image is not saved (Steps 308 and 402) (Col. 3, lines 47-57). When the number of counted pixel is more than the predetermined number, the current image is stored (Col. 4, lines 15-19). The time intervals for capturing images can be adjusted according to the extent of the movement (Abstract). As illustrated in Figure 4, when the number

of counted pixels is less than or equal to the predetermined number, the duration of time between captured images is set to t_1 , which is greater than t_2 (Col. 3, lines 50-59). When the number of pixels is greater than the predetermined number, the duration of time between capturing images is set to t_2 (Col. 3, lines 56-59).

Therefore, the duration in time between captured images is decreased when the difference between captured images increases. Kim thus discloses a surveillance system that increases the number of captured images taken as greater change in the captured images is detected. Specifically, Kim does not disclose a third motion detection algorithm that compares the current image to a stable frame.

Therefore, claim 1 is not anticipated by Kim because claim 1 includes a limitation that is not disclosed in Kim.

Claims 2, 4, and 6 are dependent upon claim 1 and should be allowable for the same reasons as claim 1.

Claim 7 has been amended to include a second mode of operation in which the current image is loaded after a certain duration has elapsed following assertion of a motion signal. Specifically, claim 7 includes the limitation "in a second mode of operation the current image is loaded into the candidate buffer after a certain duration has elapsed following assertion of the motion signal."

Kim, in this regard, discloses a temporary previous image storing unit 214 and a permanent storing unit 218 (Col. 2, lines 46-47). As discussed before, the image is only sent to the permanent storing unit 218 when certain conditions are met regarding the captured images. Kim does not disclose, teach, or suggest a mode of

operation wherein the buffer for storing the candidate images is loaded with the current image after a certain duration has elapsed following the detection or the absence of motion.

Therefore, claim 7 is allowable over Kim because claim 7 includes a limitation that is not disclosed, taught, or suggested by Kim. Furthermore, claim 7 has been amended in accordance with the Examiner's indication that claim 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant, accordingly, respectfully requests withdrawal of the rejection of claims 1, 2, 4, 6, and 7 under 35 U.S.C. § 103(a) as being unpatentable over Kim.

ALLOWABLE CLAIMS

Applicant has noted that the Examiner indicated that claims 8, 9, and 10 are objected to and is assuming, with appreciation that those claims contain allowable subject matter if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In view of these amendments, Applicant respectfully submits that claims 8, 9, and 10 are now in condition for allowance and request allowance for said claims.

Applicant has noted, with appreciation that claims 11-20 have been allowed.

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist

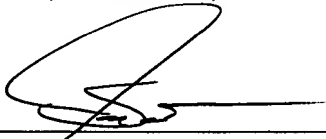
in the allowance of the present application, the Examiner is invited to call James H. Salter at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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